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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,892	09/05/2003	Yohsuke Kobayashi	053432	6642

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EXAMINER	
STRIMBU, GREGORY J	

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
07/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/654,892	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 11-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 11-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/1/05* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Drawings

The drawing correction filed September 1, 2005 has been approved.

Claim Rejections - 35 USC § 112

Claims 1, 3-9 and 11-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "when mounted" on line 21 of claim 1 render the claims indefinite because it is unclear to what elements of the invention the applicant is referring. In other words, it is unclear what two elements of the invention are being mounted to one another.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaughan (US 4949507). Vaughan, in figure 7, discloses a vehicle inner belt molding 210 to be fitted along an interior of an elevating window 214 in a vehicle, wherein the vehicle has a door inner panel 212 and a trim board 200 being attached to the door inner panel and having a downward flange portion 202 protruding downwardly

from a position that is interior of an outer end (not shown, but comprising the end of the trim board 200 disposed adjacent the bottom of the inner panel 212) of the trim board and that is exterior of an upper-edge flange portion (not numbered, but shown at the end of the lead line for reference character 212 in figure 7) of the door inner panel 212, the vehicle inner belt molding comprising: a fitting portion (not numbered, but shown in figure 7 as the two U-shaped channels) to be attached to the door inner panel; a sealing lip 252 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window 214, and a core member 234 embedded in the fitting portion in the longitudinal direction thereof, the core member made of a material having an expansion resistance and a rigidity both larger than those of the fitting portion; wherein the fitting portion has an upward opening groove (not numbered, but defined by elements 224, 240 and 241 in figure 7) fittable with the downward flange portion 202, wherein the upward opening groove has a projection 260 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the fitting portion includes a car outer side fitting portion having the upward opening groove and a car inner side fitting portion having a downward opening groove (not numbered, but defined by elements 224, 235 and 235a in figure 7) for receiving the upper-edge flange portion of the door inner panel, wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted, wherein the core member 234 has a cross sectional shape substantially similar to that of at least a part of the fitting portion, and wherein said core member is approximately U-shaped in cross-

section and is embedded in the car outer side fitting portion, wherein said wall is a side wall of the upward opening groove, and the projection 260 is a gripping lip configured to grip the downward flange portion 202, wherein said wall is a side wall of the upward opening groove, the projection 260 is a gripping lip configured to grip the downward flange portion, and the downward opening groove is provided with at least one gripping lip 244a configured to grip the upper-edge flange portion, the sealing lip 252 is directed upwardly as shown in figure 7, the projection 260 can also be considered a latching stripe which is configured to be received in a recess on the downward flange portion should said downward flange portion have a recess.

Claims 13, 15, 17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaughan. Vaughan, in figure 7, discloses a sealing structure of an elevating window 214 in a vehicle, comprising: a vehicle inner belt molding 210 to be fitted along an interior side of the elevating window 214, the vehicle inner belt molding including a fitting portion (not numbered, but shown in figure 7) configured to be attached to the vehicle and a sealing lip 252 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window 214; a trim board 200 disposed inside of the elevating window, the trim board having a downward flange portion 202 protruding therefrom; and a core member 234 embedded in the fitting portion in the longitudinal direction thereof, the core member made of a material having an expansion resistance and a rigidity both larger than those of the fitting portion; wherein the fitting portion has an upward opening groove (not numbered,

but defined by elements 224, 240 and 241 in figure 7) fittable with the downward flange portion 202, wherein the vehicle inner belt molding is attached to the trim board by inserting the downward flange portion into the upward opening groove, wherein the upward opening groove has a projection 260 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the fitting portion includes a car outer side fitting portion (not numbered, but defined by the upwardly opening groove) having the upward opening groove and a car inner side fitting portion (not numbered, but comprising the downwardly opening groove) to be positioned interior of the outer fitting portion, wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted, wherein the core member 234 has a cross sectional shape substantially similar to that of at least a part of the fitting portion, and wherein said core member is approximately U-shaped in cross-section and is embedded in the car outer side fitting portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 1, 3, 4, 20 and 21 above, and further in view of GB 2 362 415. GB

2 362 415 discloses a cloth pressing piece 42 protruding upward from the exterior side of a fitting portion; wherein the cloth pressing piece is configured to press an end portion of a cloth covering a surface of the trim board 40 when the downward flange portion 39 is fitted into the upward opening groove.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a cloth pressing piece, as taught by GB 2 362 415, to provide a more secure connection between the trim board and the belt molding.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 1, 3, 4, 20 and 21 above, and further in view of Japanese Patent Publication No. 07-237448. Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6 of a trim board 7.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 1, 3, 4, 20 and 21 above, and further in view of Bowers et al. (US 5529650). Bowers et al. discloses an inner belt molding 18 comprising a fitting portion made of a thermoplastic elastomer material (see column 4, line13).

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a TPE construction, as taught by Bowers et al., ensure the proper sealing engagement between the window, inner panel, and trim board.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 1, 3, 4, 20 and 21 above, and further in view of Arata et al. (US 6837005). Arata et al. discloses a sealing lip 11 made of a material that is capable of fusion bonding to a fitting portion 4 and which is softer and more elastic than the fitting portion (see column 4, lines 26-35).

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a sealing lip, as taught by Arata et al., to improve the seal between the belt molding and the window.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 13, 15, 17 and 22 above, and further in view of Japanese Patent Publication No. 07-237448. Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6 of a trim board 7.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 13, 15, 17 and 22 above, and further in view of European Patent Publication No. 0 441 073. European Patent Publication No. 0 441 073 discloses a vehicle inner belt molding comprising an upwardly opening groove (not numbered, but shown in figure 5) having a bottom wall (not numbered, but shown in figure 5), the bottom wall including a holding lip 7 being elastically deformable.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a holding lip, as taught by European Patent Publication No. 0 441 073, to better attach the door inner panel to the belt molding.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan in view of Japanese Patent Publication No. 07-237448. Vaughan, in figure 7, discloses a sealing structure of an elevating window 214 in a vehicle, comprising: a vehicle inner belt molding 210 to be fitted along an interior side of the elevating window, the vehicle inner belt molding including a fitting portion (not numbered, but shown in figure 7) configured to be attached to the vehicle and a sealing lip 252 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window 214; and a trim board 200 disposed inside of the elevating window, the trim board 200 having a downward flange portion 202 protruding therefrom, and a core member 234 embedded in the fitting portion in the longitudinal direction thereof, the core member made of a material having an expansion resistance and a rigidity both larger than those of the fitting portion; wherein the fitting portion has an

upward opening groove (not numbered, but defined by the elements 224, 240 and 241 in figure 7) fittable with the downward flange portion 202, wherein the fitting portion includes a car outer side fitting portion having the upward opening groove and a car inner side fitting portion having a downward opening groove (not numbered, but defined by the elements 224, 235 and 235a in figure 7), wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted, wherein the vehicle inner belt molding is attached to the trim board 200 by inserting the downward flange portion 202 into the upward opening groove, wherein the upward opening groove has a projection 260 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the core member has a cross sectional shape substantially similar to that of at least a part of the fitting portion, and wherein said core member is approximately U-shaped in cross-section and is embedded in the car outer side fitting portion. Vaughan is silent concerning ribs and slits.

However, Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6 of a trim board 7.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan as applied to claims 1, 3, 4, 20 and 21 above, and further in view of European Patent Publication No. 0 441 073. European Patent Publication No. 0 441 073 discloses a vehicle inner belt molding comprising an upwardly opening groove (not numbered, but shown in figure 5) having a bottom wall (not numbered, but shown in figure 5), the bottom wall including a holding lip 7 being elastically deformable.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a holding lip, as taught by European Patent Publication No. 0 441 073, to better attach the door inner panel to the belt molding.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan in view of GB 2 362 415. Vaughan, in figure 7, discloses a sealing structure of an elevating window 214 in a vehicle, comprising: a vehicle inner belt molding 210 to be fitted along an interior side of the elevating window, the vehicle inner belt molding including a fitting portion (not numbered, but shown in figure 7) configured to be attached to the vehicle and a sealing lip 252 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window; and a trim board 200 disposed inside of the elevating window, the trim board having a downward flange portion 202 protruding therefrom; wherein the fitting portion has an upward opening groove (not numbered, but defined by the elements 224, 240 and 241 in figure 7) fittable with the downward flange portion 202, wherein the vehicle inner belt molding is attached to the trim board by inserting the downward flange portion into the

upward opening groove, wherein the upward opening groove has a projection 260 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the fitting portion includes a car outer side fitting portion (not numbered, but comprising the upwardly facing groove) having the upward opening groove and a car inner side fitting portion (not numbered, but comprising the downwardly facing groove) to be positioned interior of the outer fitting portion, wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted. Vaughan is silent concerning a distance between the inner surface of the elevating window 214 and the downward flange portion 202 is larger than the distance between the inner surface of the elevating window and an outer end of the trim board.

However, GB 2 362 415 discloses a trim board 40 wherein a distance between an inner surface of the elevating window 18 and a downward flange portion 39 is larger than the distance between the inner surface of the elevating window and an outer end of the trim board as shown in the figure.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a flange portion positioned relative to the trim board, as taught by GB 2 362 415, to improve the aesthetics of the sealing structure.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan in view of Japanese Patent Publication No. 07-237448 and GB 2 362 415. Vaughan, in figure 7, discloses a sealing structure of an elevating window 214 in a

vehicle, comprising: a vehicle inner belt molding 210 to be fitted along an interior side of the elevating window, the vehicle inner belt molding including a fitting portion (not numbered, but shown in figure 7) configured to be attached to the vehicle and a sealing lip 252 formed integrally with an exterior side of the fitting portion to be in elastic, contact with an inner surface of the elevating window 214; and a trim board 200 disposed inside of the elevating window, the trim board having a downward flange portion 202 protruding therefrom; wherein the fitting portion has an upward opening groove (not numbered, but defined in figure 7 by the elements 224, 240 and 241) fittable with the downward flange portion, wherein the vehicle inner belt molding is attached to the trim board by inserting the downward flange portion into the upward opening groove, wherein the upward opening groove has a projection 260 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the fitting portion includes a car outer side fitting portion (not numbered, but comprising the upwardly opening groove) having the upward opening groove and a car inner side fitting portion (not numbered, but comprising the downwardly opening groove) to be positioned interior of the outer fitting, portion, wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted. Vaughan is silent concerning slits and ribs and a distance between the inner surface of the elevating window and the downward flange portion being larger than the distance between the inner surface of the elevating window and an outer end of the trim board.

However, Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6 of a trim board 7.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Additionally, GB 2 362 415 discloses a trim board 40 wherein a distance between an inner surface of the elevating window 18 and a downward flange portion 39 is larger than the distance between the inner surface of the elevating window and an outer end of the trim board as shown in the figure.

It would have been obvious to one of ordinary skill in the art to provide Vaughan with a flange portion positioned relative to the trim board, as taught by GB 2 362 415, to improve the aesthetics of the sealing structure.

Response to Arguments

Applicant's arguments filed May 24, 2007 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
July 25, 2007